

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America
v.
Fernando Gonzales-Ramos

Case No.
2:13-mj-00027

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2012 - March 3, 2013 in the county of Logan in the
Southern District of West Virginia, the defendant(s) violated:

Code Section
21 U.S.C. § 846

Offense Description
Conspiracy to distribute controlled substance.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.



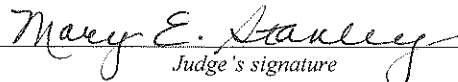
Complainant's signature

Todd Berry, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/04/2013



Judge's signature

City and state: Charleston, West Virginia

Mary E. Stanley, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

I, Todd A. Berry, being duly sworn, do hereby depose and state as follows:


1. On Friday, March 1, 2013, the undersigned obtained a search warrant for 2130 Old Logan Road, Logan, West Virginia, based on an investigation of Dr. Fernando Gonzales-Ramos ("Gonzales") distributing controlled substances that were not prescribed for legitimate medical reasons.
2. On Saturday, March 2, 2013, officers observed the building Gonzales was using to distribute narcotics, and noticed many people going into the building, but not as many as expected. A cooperating individual (CHS) went inside, paid \$450 cash and got a prescription for Hydrocodone, a Schedule III controlled substance. She was in and out of the building in approximately three minutes. She did not see Gonzales.
3. On Sunday, March 3, 2013, officers observed a number of people waiting outside the building before 8:00 a.m. We executed the search warrant later that morning. The building was full of people waiting to get their prescriptions. It was clear that the prescriptions were being written outside the bounds of professional medical practice and were not for legitimate medical purposes. First, the building was not set up or furnished like a doctor's office. There were no examination tables, Gonzales did not have any medical equipment (no stethoscope, blood pressure machines, scales), and the building did not even have running water.
4. Next, the employees who were working at the building were an armed security guard, a bodyguard carrying brass knuckles, and a nurse/receptionist. The nurse collected \$450 cash from each customer getting Schedule III narcotics, and \$500 cash from each customer getting Schedule II narcotics. The prescriptions were all prewritten and placed in the customer's file before the customer ever walked in the door.

5. We obtained records from the building indicating that Gonzales wrote prescriptions for Schedule III and Schedule II controlled substances. Further, we recovered prewritten prescriptions for Schedule III and Schedule II controlled substances which were waiting for customers who had not come in to pay for them and pick them up before we executed the search warrant.
6. The nurse gave a statement that she made appointments with customers for a date that Gonzales told her he was coming in to Logan from Texas. She followed this procedure for the customers who came in to see Gonzales in December 2012 as well as in March 2013. She would write "progress notes" in the customer's file along with a prescription for that customer. She would not sign the progress notes or the prescription. She would then mail the files to Gonzales in Texas. Gonzales would bring the files with him from Texas and the notes and prescriptions would be signed prior to his arrival at the "office."
7. Gonzales conspired with at least one other person, the nurse, to illegally, knowingly and intentionally, distribute controlled substances.

FURTHER AFFIANT SAITH NAUGHT.


TODD A. BERRY
FBI, Special Agent

Sworn to before me, and subscribed in my presence, this 4th day of March, 2013.


Mary E. Stanley
United States Magistrate Judge